

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHURCH OF SCIENTOLOGY OF GEORGIA,)	
INC., a Georgia Corporation,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO.: 1:10-CV-0082-CAP
CITY OF SANDY SPRINGS, GEORGIA,)	
et. al.)	
)	
Defendants.)	

**DEFENDANTS' AMENDMENT TO THEIR RESPONSE TO PLAINTIFF'S STATEMENT OF
ADDITIONAL MATERIAL FACTS IN RESPONSE TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

COME NOW the City of Sandy Springs, Georgia, and its named elected officials, Defendants in the above-styled action, and file this Amendment to Their Response to Plaintiff's Statement of Additional Material Facts in Response to Defendants' Motion for Summary Judgment.

At Plaintiff's request the Defendants' response to undisputed fact number 9 is amended as follows:

9.

Since December 2009, the Church has paid \$67,210.83 to rent the property located at 4480 North Shallowford Road, Dunwoody, Georgia. Id. ¶ 9.

RESPONSE: The City objects to relevance pursuant to L.R. 56.1 (B)(3)(c). Plaintiff voluntarily incurred these costs despite being authorized to use all 32,000 improved square feet of the existing, larger facility on the Subject Property, a facility that it already

had paid for in full, as a church. Complaint ¶ 64; City Council Minutes of Dec. 15, 2009 at p. 21-22; Second Aff. of Deborah Danos, ¶ 9. Furthermore, Plaintiff entered into the lease for the North Shallowford Road property in September 2007 prior to applying for rezoning of the Subject Property. Exh. 2. p. 3.¹ Contrary to the sworn deposition testimony of Deborah Danos, the lease for the North Shallowford Road property was for a three (3) year and seven (7) month term ending on April 15, 2011, subject to an earlier termination provided certain conditions were met. Compare Exh. 2, p. 3, 17 with Doc. 44-1, p. 34-35. The lease demonstrates that, absent termination which could not have immediately occurred due to necessary construction at the new facility, Plaintiff was obligated to pay this rent irrespective of the City's zoning decision.

Respectfully submitted this 16th day of February, 2011.

/s/ Laurel E. Henderson
Laurel E. Henderson, Esq.
Georgia Bar No. 346051

HENDERSON & HUNDLEY, P.C.
160 Clairemont Avenue, Suite 430
Decatur, Georgia 30030
Telephone (404) 378-7417
Facsimile (404) 378-7778

/s/ Wendell K. Willard
Wendell K. Willard, Esq.
Georgia Bar No. 760300

WILLARD & SULLIVAN
Two Ravinia Drive, Suite 1630
Atlanta, Georgia 30346
Telephone (770) 481-7000
Facsimile (770) 481-7111
Email: wendell.willard@sandyspringsga.org

¹ Attached as Exhibit 2 is a certified copy of a Complaint filed against Plaintiff in Dekalb Superior Court. The record of the Complaint has been truncated for convenience. Specifically, included is the Dekalb County Superior Court's Certification, the first page of the Complaint, and Exhibit 1 and 2 to the Complaint in their entirety.

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2011 I electronically filed the foregoing **DEFENDANTS' AMENDMENT TO THEIR RESPONSE TO PLAINTIFF'S STATEMENT OF ADDITIONAL MATERIAL FACTS IN RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Andrea Cantrell Jones, Esq.
Lauren M. Hansford, Esq.

/s/ Laurel E. Henderson
Laurel E. Henderson, Esq.
Georgia Bar No. 346051

HENDERSON & HUNDLEY, P.C.
160 Clairemont Avenue, Suite 430
Decatur, Georgia 30030
Telephone (404) 378-7417
Facsimile (404) 378-7778
Email: lhenderson@bellsouth.net